

COURT DECISIONS, AFFECTING THE NEGRO- 1939

Wins \$1,500 Suit For Mate's Death At Hands Of Mob

MEMPHIS, Tenn., Dec. 1—A Southern jury set a precedent last week when it awarded Mrs. Victoria Reed \$1,500 in a suit filed against Sheriff W. H. Cocke of Fayette county.

The suit was filed in connection with the death of Elbert Reed, Mrs. Reed's husband, who was allegedly beaten to death last March while in the custody of Sheriff Cocke.

The sheriff denied beating Reed, stating that he did not know anything was wrong until he found him dead in his cell.

In handing down this decision the Federal court jury went on record as being the first to return a verdict in the state favoring a race citizen against a white representative of the law.

Hurt During Theatre Jam, Awarded \$100

WASHINGTON, D.C., Dec. 14—A jury in the District Court last Friday awarded Louis Butler damages of \$100 against the Rosalia Theatre Corporation, which operates the Rosalia, a Lichtman theatre. Justice Jesse C. Adkins presided at the trial.

Butler sued for damages of \$10,000 for injuries sustained while standing in a crowd seeking admission to a midnight motion picture show.

He claimed that an employee of the theatre sent for the police to keep the crowd under control, and that in seeking to stop pushing and shoving at the entrance to the theatre an officer struck at somebody in the crowd and drove the plaintiff's hand through a glass pane of the theatre door.

He claimed he was permanently injured as a result of his right wrist getting cut.

Delivery Boy Wins \$10,000 Suit for False Arrest Against Local Chain Drug Company

Carmie E. Bass Attorneys Ask \$25,000 Actual Damages and \$25,000 Punitive Damages in Case

KANSAS CITY, Mo. — Damages to the extent of \$10,000 were awarded Carmie E. Bass, 17-year-old boy, December 5, by a jury in Division 8, Judge Paul Buzard's court.

This verdict was the result of a suit filed by Bass through his mother, Alberta Brown. The boy said that he insisted at all times that he was not guilty of charges brought against him for the theft of \$5.00, on March 10, "criminal prosecution on the charge in the municipal and circuit court, making a preference against him, attorney's fees, cost of prosecution, being confined with criminals, done friends, vicious and depraved people, with no communication possible with his mother, relatives, friends, or lawyer; deduction of \$6.50 from his wage; and for injuries to his health, peace of mind, and the damage to his reputation. The suit was brought against A. P. Ellison, investigator and private detective for Crown Drug company, and that named company, allegedly responsible."

Was Delivery Boy

Bass, at the time of his arrest for the alleged theft, was working as a delivery boy for the drug company, at 3901 Woodland. According to the petition in the case, Ellison accused the boy of stealing the money from two customers of the drug store, a Mrs. Ryan and Mrs. Thompson.

The man forcibly, wrongfully and maliciously, with the intent to injure Bass' good name, fame, and reputation, had the boy arrested and told him unless he signed a confession, he would send him "down the river," according to the boy's petition.

According to the boy's story, Ellison urged him to sign the confession, or he would go to jail.

Ellison told the boy in attempt to make him sign a confession that in any event the custody of criminal court. A jury was impaneled and Ellison testified his and regardless of whether he was guilty or not, he would go to the penitentiary unless he followed Ellison's direction, Bass claimed.

Denies Taking Money

The boy said that he insisted at all times that he was not guilty of taking the money. Finally, he said that Ellison told him that even if he were not guilty, the company would lose two valuable customers and that the only way out would be to sign the confession which would be secret. He refused to let the boy get advice in the matter, but insisted upon him signing a confession even though he was not guilty. Still denying the charge, the boy agreed to sign a confession of his guilt when Ellison told him that the suit would be understood that he was actually not guilty of the charge and that he could resume his work at the store, as if nothing had happened. The boy was then taken in Ellison's car to the Sixty-third street police station and held for several hours.

Follows Instructions

According to Bass' statement, he answered questions according to Ellison's previous instructions and signed a confession without reading it. The youth remained in jail until March 11, following which he was charged with unlawfully taking, stealing, and carrying away \$5 from the drug store. The trial was held in division 2, under Judge James H. Anderson, and Ellison appeared against the youth. Finding the youth guilty of the charge the court fined him \$250 and costs. He was imprisoned then until March 13, when the case was appealed and he was released on a \$500 bond.

The second trial was held April 13, before Ray G. Cowan, division of criminal court. A jury was impaneled and Ellison testified against the boy again. This time, a verdict of "not guilty" was given by the jury. At both trials, Bass said that Ellison gave perjured testimony. In the case which was filed April 21, the attorneys for the plaintiff,

asked for \$25,000 actual damages, and \$25,000 punitive damages and costs.

However, when the attorneys for the plaintiff put the case before the jury, they asked for a sum totaling only \$7,500. The jury assessed actual damages at \$4,000 and punitive damages at \$6,000. Frank Doughty was the foreman of the jury. Other members of the jury were: John E. Deuser, Robert V. Keyte, Joe McCormick, Emil M. Mein, Herman K. Drechsler, Milton J. Davis, William E. Miller, Louis P. Broderson, Gerald C. Larson, and Cecil C. Gillogly.

WOMAN SUES WESTERN UNION AWARDED \$250

STATESVILLE, N. C., Dec. 14—(ANP)—Mrs. Marcy Keaton, well known Statesville resident, was awarded \$250 damages Friday by a jury in Judge Allen H. Gwyn's Superior court. Defendants in the case were the Western Union Telegraph company and Night Operator R. E. Patton.

Mrs. Keaton was represented by Attorney F. W. Williams of Winston-Salem and the case was the result of an altercation between Mrs. Keaton and Operator Patton. Last March, when her grandmother died, Mrs. Keaton went to Western Union to send a wire to her uncle in Baltimore. Later that night Patton reported that the telegram had not been delivered because of imperfect address. He sent for Mrs. Keaton to get the right Baltimore number, and when she arrived, found out for the first time that the sender was colored. She said he immediately became sarcastic and insulting.

During the argument over the undelivered message, Mrs. Keaton said that Patton told her if he "had known it was a goddam nigger, he wouldn't have sent the telegram. Then says Mrs. Keaton, Patton struck her in the face, causing severe injury to her eye.

Operator Assaults Her

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WINS SUIT AGAINST WESTERN UNION CO

Southern Operator's Found Abused

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Justice Hugo Black

Justice Hugo L. Black has proven to be a fair judge on the Supreme Court bench, where members of our race are concerned. He has proved those who pronounced him to be wrong in their judgment as to what kind of Judge he would make. It is expected that when a man takes the oath of office as a Justice of the Supreme Court that he fills that office in keeping with the oath. That is what Justice Black is doing and the fact that he writes a decision in favor of Negroes is nothing to be alarmed over because Justice Black is only doing his duty as prescribed by law, as the law affects citizens regardless of race, color, or creed.

Just recently, Justice Black wrote a decision in the case of a Louisiana Negro condemned to die by the state supreme court. Justice Black said: "Our examination of the evidence convinces us that the bill of exceptions which he signed correctly stated that petitioner did prove at the trial of said motion to quash that Negroes as persons of color had been purposely excluded from the grand jury venire and panel which returned said indictment against....(petitioner) on account of their color and race."

In this case, Justice Black only said that it is just as illegal to bar Negroes from Grand Juries as to bar them from trial juries. Justice Black is exactly correct as prescribed by the Constitution of the United States. As long as Justice Black remains on the high tribunal it will be expected of him to live up to the oath of office just as other Supreme Court Judges and public officials.

As we see it, there is nothing alarming about any public official doing his duty, but we do become alarmed when public officials fail to do their duty. We pronounced Justice Black when he was named because of his past record in Alabama. One of the best ways to predict the future is on the basis of past performance. We feel that the publicity given Justice Black when he was named may play a great part in helping him to live up to the oath of office and make others realize the sacred duty of oath and office.

Cleveland, Tenn. Banner
February 27, 1939

High Court Sets Aside Negro's Death Sentence

WASHINGTON, Feb. 27. (U.P.)—The Supreme Court today set aside the death sentence pronounced upon Hugh Pierree, of Lucy, La., Negro, holding his conviction on murder charges was unconstitutional because Negroes were barred from the grand jury which indicted him.

The Court was unanimous in its decision which was written by

U. S. SUPREME COURT—SPIRIT OF THE TIMES

A few years ago when President Franklin D. Roosevelt stated that we needed "new blood" in the Supreme Court, a mighty howl went up from many of the people of the country, both white and black. Many of the critics said that it meant the President was endeavoring to change the Constitution of the United States and that it was dangerous to tinker with that sacred document. But the Argus took the position that the United States Supreme Court had handed down few, if any, liberal decisions affecting the fundamental rights of the Negroes under the Constitution of the United States. We also stated that we hoped the time would come when some justices would be added to that tribunal who would interpret the constitutional rights of Negroes just as they would the constitutional rights of any other citizen in this country.

And while it is true that we are not certain that we have such men on the bench now, yet we do feel more assured and secure in our civil and political rights under what we might call the new Supreme Court, than we, as a group, ever have since emancipation.

Just the other day, when the members of the Supreme Court of the state of Missouri were scratching their heads and puzzling their brains over finding some legal technicality to deprive the Negroes of this state of their natural and constitutional rights, the United States Supreme Court was at the same time handing down a decision assuring the Negroes of Oklahoma of their right to vote which had been denied them by just such men in Oklahoma as make up the members of the Supreme Court in Missouri.

And strange as it may appear, we are convinced of the fact that in some queer way there are a lot of white men, some of whom occupy high and official positions, who still think it their duty to fight the Civil War all over again and declare null and void our freedom from slavery. At every issue which comes up affecting Negroes' rights as citizens, many of the judges in these southern states allow themselves to become victims of racial prejudice because of their blighted judgment which is a by-product of slavery.....ain't that a pity?

We reason that when the courts of Missouri and of other southern cities, defy the decision of the United States Supreme Court with respect to the rights of Negroes as citizens, such courts are either defiantly or unconsciously raising the slavery question just as real as though the question had not been settled by sword and pen years ago.

Of course the old United States Supreme Court was slow and cautious in matters affecting the Negroes' rights, but today we are living in a new age and the new United States Supreme Court will, we believe, interpret those things affecting the Negro in the spirit of the times in which we are living.

Landlord
Atlanta World
Must Pay
Atlanta Ga.
\$6,500'
1-22-39

CHICAGO—(A N P)—A decision expected to be a major importance to tenants in Illinois and other northern states who have been injured because landlords refused to keep up repairs on rented property was rendered here last week when the appellate court awarded \$6,500 damages to Mrs. Juanita Wells after a four-year court fight.

According to Fleetwood M. McCoy and Harris B. Gaines, prominent local attorneys, who represented Mrs. Wells, previous suits of this nature against landlords have been unsuccessful.

The case was the outgrowth of a fall suffered July 18, 1934, by Mrs. Wells, whose husband had rented the top flat of a two apartment building owned by Louis Wise, white. She said Wise had promised her husband to keep the premises in good condition, but he failed to do so, with the result that she fell down from the rotten rear stair railing to the ground, suffering serious injuries.

Wise contended he did not know of the condition of the premises, the tenant was supposed to keep up repairs, that part of the stairway where the accident occurred was in the exclusive control of Mr. and Mrs. Wells and that even if there had been an agreement to repair which had not been kept, he was not liable for damages through negligence.

This defense, attorneys said, has consistently saved landlords previously in such suits. McCoy and Gaines were able to prove that the premises, though rented, were still in the landlord's control, a point which had not been made in the past.

There had been two previous trials and verdicts favoring Mrs. Wells before the appellate court's decision. In the first, Judge Roman S. Posanski set aside the jury's verdict of \$5,000 damages on a motion for a new trial, and in the new trial Judge Daniel E. Trude set aside the jury verdict of \$6,500 on motion for judgment. This was what caused the appeal by attorneys representing Mrs. Wells.

HIGH COURT RULINGS

Several important rulings of general interest were made during the session of the United States Supreme Court which recently closed, including the following:

1. Sit-down strikes are "high - handed proceedings without a shadow of legal right," and employers do not have to reinstate employees who participate in them.

2. The Federal government can tax salaries of state employees and the states can tax salaries of Federal employees.

3. A state must give equal educational advantages to white and Negro students.

4. Private power companies have no legal right to challenge the constitutionality of the Federal power program.

5. Restrictions on the amount of major farm products that may be marketed are constitutional. (This apparently reverses the ruling which invalidated the original AAA.)

6. Prior membership in the Communist party is not a sufficient reason for deporting an alien.

Court Resumes Lawsuit Today

\$200 Damages Awarded Negro Home Owner

Judge Ben Allen and a law court jury will resume hearing this morning the case of Frank Ward vs. J. Norton Arney, which was continued from yesterday afternoon, court attaches said.

The plaintiff, who is seeking to recover \$499 as a result of alleged breach of contract, is represented by Vines, Hawkins and Bryant. Chalkley and Brandt appeared for the defendant.

Also scheduled for trial today is the suit of Dr. Rudolph G. Quillen against William M. Kirk, negro dry cleaning solicitor, as a result of an auto accident near North Roan street several months ago.

Other cases set for hearing are Earl Sell vs. J. Propst, et al; Legion Memorial hospital vs. Albert Middleton; City of Johnson City vs. H. T. Crowe (two suits), and City of Johnson City vs. A. D. White.

A jury awarded judgment of \$200 to the plaintiff yesterday in the damage suit of Alice Nash, negro, vs. H. L. Hobbs, et al. The Nash woman, living at 120 Water street, claimed sparks from Hobbs' machine shop caused her house to become ignited.

A non-suit was entered in the damage suit of Mrs. Margaret C. Able vs. Carl C. Young, which had resulted from the plaintiff's being struck by an auto allegedly driven by Young, a Mountain Home hospital attendant.

During the session Felix Frankfurter succeeded the late Justice Benjamin N. Cordozo, and William O. Douglas succeeded Justice Louis D. Brandies, retired. Four of the nine present members of the court—Black, Reed, Frankfurter and Douglas—have been appointed by President Roosevelt.

White Landlord Must Pay Negro Damages; Ill. Court Sets Unusual Precedent

Failure to Keep Promises in Good Condition Brings
\$6,500 Penalty

Decision Ends Four-Year Fight

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There had been two previous trials and verdicts favoring Mrs. Wells before the appellate court's decision. In the first, Judge Romanas S. Posanski set aside the jury's verdict of \$5,000 damages on an obnoxious decision.

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The Supreme Court And The Door Of Hope

By KELLY MILLER

By three or four affirmative decisions since reconstruction, the Supreme Court has seemed to open for the Negro the door of hope. Although this august tribunal may keep the gate ajar, yet it cannot guarantee entrance there at unless the entrant has the vim and vigor to push through the door has once been opened it is incumbent upon the passenger to keep it open if he would profit by the opportunity. When the waters have been troubled by this good Angel, the afflicted sufferer must push his own way into the pool if he would be healed. When the Supreme Court, by unanimous verdict, outlawed the grandfather clauses in the revised Constitution of the South, there was great rejoicing throughout the American-land over the enlarged political opportunity offered by the decision; and yet perhaps no single Negro in Mississippi or Alabama was able to cast his vote by virtue of this ennobling decision.

In the same way, when residential segregation was overthrown by judicial decision, segregation in reality began to take on new life and vigor. It became more manifest in the North than in the South. Philadelphia, New York, Cleveland and Chicago, furnish the most gigantic instances of segregation this country has ever known, regardless of the high Court's decree. All of which goes to show that the race cannot look to the law or to any outside agency for salvation. "The Kingdom of Heaven is within you."

Internal vigilance is the price of liberty. The Supreme Court's decision opening up the jury box to Negroes as well as the more recent decision guaranteeing the race equal higher educational opportunities by the states, will inure to the Negroes practical advantage, only in so far as he is able to take advantage of his advantage. A people of weak will and feeble temper naturally look for salvation to some force outside of their own strength. They are perfectly satisfied to contemplate compensation for the ills of the life that is here and no win the fancied nature that is there and yonder. Deferred happiness is the long suit of the impotent and sluggish. Our forbears in the dark days of slavery, fully conscious of their inability to compete for benefits and advantages of this world, cried out in their helpfulness, to the white lord and master "you may have all the world, give me Jesus." In view of their highly wrought emotions and shallow intellect, this complacent surrender of will was wholly justifiable. But their descendants of the present generation, even though they boast of a militant disposition, often evince the same feebleness of spirit my relying upon projected justice as compensation for the ills which they suffer here and now. They are always telling us that justice and righteousness will prevail tomorrow, should re-read Longfellow's Psalm while doing nothing to bring it to life, and profit by its practical philosophy.

practically minded Anglo-Saxon seeks "Trust no future, however pleasant his reward here and now. He never works wholly for future generation but for the benefits and blessings which he hopes to share in his own day and lifetime. There is no silly conceited asininity greater than that which claims it is not working for the present but for the future."

The founding fathers ordained the Constitution of the United States for the welfare and happiness of "ourselves and our posterity." It is only the fool who claims that he is serving the future. There is one thing of which we may be assured—the future will be able to take care of itself without our help or assistance. "We call our fathers fools, so wise we grow. Our wiser sons no doubt, will call us so."

And yet I would not discount the philosophy of keeping open the door of hope even though no passengers are at present able to get through. It is well that the Negro is not legally barred from the Military and Naval Academies, although only four Negroes since emancipation have been able to squeeze through West Point, and not one through Annapolis.

The value of keeping open the door of hope is that it stimulates the spirit and keeps it alert. But the danger consists in resting satisfied with abstract possibilities with no expectations of concrete realization. I have been often impressed with the amazing optimism and buoyancy of the Negro in the North, who rejoices in his theoretical opportunities although he never realizes upon his fancied privileges.

The time has come, and is now here, for the Negro to make a practical appraisal of his lot and life. He should push hard upon the door of hope so long as it stands ajar. But to stand by idly and impotently rejoicing in his fool's Paradise is the acme of fateous folly. The Negro while doing nothing to bring it to life, and profit by its practical philosophy.

Justice Black Decision Saves Prisoner's Life

Rules On Ground That
Negroes Were Barred
From Jury

WASHINGTON, Feb. 24.—The Supreme Court, a decision rendered by Justice Hugo Black, set aside the death sentence of Hugo Pierre, of Lucy, La., on the ground that colored persons were barred from the Grand Jury which indicted him.

The reversal was a direct slap at the decision handed down by the Louisiana Supreme Court approving the trial and subsequent sentencing of Pierre on charges of murdering Ignace Roussel, a white constable, two and a half years ago.

The ruling by the United States Supreme Court held it as illegal to bar Negroes from Grand Juries as it is to bar them from ordinary trial juries, and remanded Pierre's case to the Louisiana Court.

In his decision Justice Black cited the principles which prohibit discrimination against Negroes in the selection of lesser juries, namely, that "it is the right to which every colored man is entitled, that in the selection of jurors to pass upon his life, liberty or property, there shall be no exclusion of his race, and no discrimination against them because of their color."

DECIDES ON LOUISIANA CASE



A Southern man was chosen to hand down the decision in which a negro of this state was given a new trial by the United States Supreme Court, Justice Hugo Black, shown above. The basis of the decision to reverse the sentence of a lower court was that negroes were excluded from the grand jury which indicted him. The negro was Hugh Pierre of Lucy. The decision was returned unanimously by the justices.

Wesson, Miss., Enterprise
march 3, 1939

NEGROES ON JURIES

Down in Louisiana a negro was sentenced to hang. The decision was appealed.

The United States Supreme Court reversed the decision on grounds that no negro was on the grand jury which returned the indictment, and, therefore, it was unconstitutional. This decision was written by Justice Black, Southerner, recent appointee to the bench.

COMPLEX COLOR QUESTIONS CREATED

THE decision of the United States Supreme Court in setting aside the conviction of a Louisiana negro because there was no negro on the grand jury that indicted him for murder, established a precedent that opens the way for endless complications.

It means that to insure the punishment of a criminal there must be upon the jury some one of the race as the accused, and thus a highly confusing racial element is entered. It must be construed to mean that the Chinaman cannot be convicted unless there is a Chinaman on the jury; that an Indian cannot be convicted unless there is an Indian on the jury, since the rights of yellow men and red men who are citizens of the United States, cannot well be construed as differing from the rights of men of other colors.

Then there are men who are neither white nor black nor yellow nor red, particularly in Louisiana, where Octoroons are commonplace. Shall the Octoroon demand a fellow upon the jury, and if so, shall precisely the same proportion of white blood and colored blood be demanded?

The attainment of justice is a difficult and complex problem and it would seem clear that new complexities and new elements of a problematic nature have been injected. All of which seems to make for increasing futility and to suggest the thought that the question is not so much the nature of the blood that runs through the veins of a slayer but the fact that he has the blood of one of his fellows upon his hands.

Tampa, Fla. Tribune
March 6, 1939

Protecting Negro Rights

It is rather ironic that Supreme Court Justice Black, whose appointment was objected to on the ground that he had once been a member of the Ku Klux Klan, delivered the opinion of the Court asserting the constitutional right of a humble negro to representation of his race on the Grand Jury that indicted him.

The case went up from Louisiana where negroes are barred by state law from membership on Grand Juries. The Supreme Court held, as enunciated by Justice Black himself, that this is a violation of the Constitution, and set aside the death sentence of the negro. The decision took the broad ground that "it is a right to which every colored man is entitled, that in the selection of jurors to pass upon his life, liberty or property there shall be no exclusion of his race and no discrimination against them because of their color." That is good law but it isn't Kluxism.

What will be the effect of this decision in the South?

If it is unconstitutional to indict a negro without a negro being on the grand jury, would it be unconstitutional to indict any person of any race without a member of that race being on the grand jury?

It is a law that must work all ways, if it works one way. For in law there is only one right way.

A Public Servant

Means Just That

FARM Security Administration officials lost no time recently in suspending J. C. Cain, white, an Alabama assistant county rehabilitation supervisor, when an investigation showed that he beat two colored FSA borrowers.

Last week, a jury in the Federal Superior Court, Statesville, N. C., awarded Mrs. Mercy Keaton \$250 for personal injuries inflicted upon her by R. E. Patton, white, night telegraph operator. 12-16-39

The punishments recorded above should have a salutary effect in impressing public servants that they are just what the name implies. If they do not know or fail to understand that, then it must be impressed upon them in ways which they cannot fail to understand, as in the two above mentioned cases.

Of course, black sheep may get in positions where they serve the public. However, intelligent direction will make it difficult for mediocre persons to remain long in responsible posts where they bring down upon their heads numerous complaints of their shortcomings from the good citizens.

Win Large Damage Suit

ELEVATOR FALLS; MAN
AWARDED \$17,500

A verdict of \$17,500 was awarded Walter Henry Bland, 35 years old, 2332a Market street against the City of St. Louis for injuries suffered in an accident last March 31 when an elevator allegedly fell in a city-owned building at 3843 Forest Park boulevard. 12-15-39

Bland said he was moving an automobile from the second floor of the building when the freight elevator fell, causing him to suffer a broken back and other injuries. He had been employed by the General Motors Sales Corporation, which leased the second floor of the building from the city. The city denied negligence.

The case was tried in Circuit Judge Joseph J. Ward's Court with Dan P. Reardon as counsel.